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**Patent and Trademark Office**

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
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09/272,075    03/18/99    HENNIGER

A    GR-98-P-1381

EXAMINER

TM02/0925

LERNER AND GREENBERG  
POST OFFICE BOX 2480  
HOLLYWOOD FL 33022-2480

CHAVEZ  
ART UNIT

PAPER NUMBER

2154  
DATE MAILED:

09/25/01

**Please find below and/or attached an Office communication concerning this application or proceeding.**

**Commissioner of Patents and Trademarks**

# Office Action Summary

Application No.

09/272,075

Applicant(s)

HENNIGER ET AL.

Examiner

Jungwon Chang

Art Unit

2154

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 7/16/01.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-11 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-11 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. §§ 119 and 120

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☒ None of:
1. ☒ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

## Attachment(s)

- |                                                                                                                      |                                                                             |
|----------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                                          | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). _____  |
| 2) <input checked="" type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                      | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) <u>5 &amp; 6</u> . | 6) <input type="checkbox"/> Other: _____                                    |

### DETAILED ACTION

1. Claims 1-11 are presented for examination.
2. Acknowledgement is made of a claim for foreign priority under 35 USC § 119(a)-(d). However, the certified copies of the priority documents Germany 198 11 841.4 have not been received.
3. It is noted that although the present application does contain line numbers in the specification and claims, the line numbers in the claims do not correspond to the preferred format. The preferred format is to number each line of every claim, with each claim beginning with line 1. For ease of reference by both the Examiner and Applicant all future correspondence should include the recommended line numbering.
4. Claims 6 and 9-11 are rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.
  - a. The claim language in the following claims is not clearly understood:
    - i. as to claim 6, line 3, it is not clearly understood what is meant by “roviding” (i.e. providing?);
    - ii. as to claim 9, it is unclear what the abbreviation of “UPN” and “OSI” stand;

- iii. as to claim 10, the claim has the same deficiency as claim 9 as set forth in the paragraph above.

***Claim Rejections - 35 USC § 103***

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 1-11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Shaffer et al (US 6,185,290 B1).

7. As to claim 1, Shaffer et al. disclose the invention substantially as claimed, including a telecommunication system having a remote administration function (col. 2, lines 29-42), comprising:

a telecommunications apparatus (238, 240, 242, fig. 2) defining a terminal with properties of a terminal with administration authorization (col. 14, lines 64-67; col. 15, lines 1-16; col. 27, lines 15-29); and

a remote computer (207, 248, fig. 2) connected to said telecommunications apparatus, and a data stream to and from said terminal being diverted to said remote computer (col. 17, lines 61-67; col. 18, lines 1-9; col. 27, lines 30-48).

8. Shaffer et al. do not specifically disclose terminal is a virtual terminal. However, Shaffer et al. disclose that the terminal is defined as a standard on the network (col. 27, lines 15-29). It would have been obvious to one of ordinary skill in the art at the time the invention was made to include the virtual terminal to Shaffer et al. because it would provide for any terminal to communicate with any host computer.

9. As to claim 2, Shaffer et al. further disclose that said terminal with administration authorization is a telephone (col. 27, lines 50-61).

10. As to claims 3-5, Shaffer et al. disclose said telecommunication apparatus has a virtual unit and port (col. 34, lines 64-67; col. 35, lines 8-16).

11. As to claim 6, Shaffer et al. disclose said remote computer has a message interpreter and an emulator providing an interface and functionality of said terminal with administration authorization (col. 28, lines 1-5).

12. As to claim 7, Shaffer et al. disclose said telecommunications apparatus has a data interface and control traffic between said virtual port and said telecommunication apparatus is diverted to said data interface (214, fig. 2; col. 29, lines 45-67; col. 30, lines 1-9; col. 34, lines 64-67; col. 35, lines 8-16).

13. As to claim 8, Shaffer et al. disclose said data interface is selected from the group

Art Unit: 2154

consisting of a V.24 interface, an analog modem and an integrated service digital network card (col. 28, lines 6-13).

14. As to claims 9-11, Shaffer et al. further disclose said telecommunications apparatus having a call processing unit (fig. 3; col. 15, lines 17-28; col. 27, lines 30-48); said call processing unit has an application interface (col. 8, lines 26-37; col. 11, lines 2-15; col. 24, lines 31-34).

### *Conclusion*

15. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure:

Garson et al., patent 5,689,550, Sitbon et al., patent 5,568,487 disclose data transfer in the OSI Reference Model.

Rojas, patent 6,249,571 B1 discloses a system for integrated suite of system control and application software modules used to manage one or more telephone systems.

16. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jungwon Chang whose telephone number is (703)305-9669. The examiner can normally be reached on 9:00-5:30 (Monday-Friday).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Meng-Ai An can be reached on (703)308-9052. The fax phone numbers for the

Application/Control Number: 09/272,075

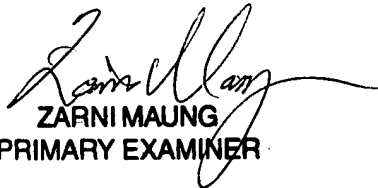
Page 6

Art Unit: 2154

organization where this application or proceeding is assigned are (703)746-7239 for regular communications and (703)746-7238 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703)305-3900.

Jungwon Chang  
September 20, 2001

  
ZARNI MAUNG  
PRIMARY EXAMINER